UNITED
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Security Council

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United States of America: draft resolution

The Security Council,

Reaffirming resolutions 733 (1992), 746 (1992), 751 (1992), 767 (1992), 775 (1992), 794 (1992), 814 (1993), 837 (1993), 865 (1993) and 878 (1993),

Also reaffirming resolution 868 (1993) on the need to ensure the safety and protection of United Nations personnel,

Recognizing the critical need for broadbased consultations among all parties and consensus on basic principles to achieve national reconciliation and the establishment of democratic institutions in Somalia,

Stressing that the people of Somalia bear the ultimate responsibility for achieving these objectives and in this context noting in particular resolution 837 (1993) which condemned the 5 June 1993 attack on UNOSOM II personnel and called for an investigation,

Noting further proposals made by Member States, in particular from the Organization of African Unity (OAU), including those in document S/26627, which recommended the establishment of an impartial Commission of Inquiry to investigate armed attacks on UNOSOM II,

Having received and considered the reports of the Secretary-General (S/26022 and S/26351) on the implementation of resolution 837 (1993),

1. Authorizes the establishment of a Commission of Inquiry, in further implementation of resolutions 814 (1993) and 837 (1993), to investigate armed attacks on UNOSOM II personnel which led to casualties among them;

2. Requests the Secretary-General, having conveyed his views to the Security Council, to appoint the Commission at the earliest possible time, and to report to the Council on the establishment of the Commission;

3. Directs the Commission to determine procedures for carrying out its investigation taking into account standard United Nations procedures;

4. Notes that members of the Commission will have the status of experts on mission within the meaning of the Convention on the Privileges and Immunities of the United Nations, which shall apply to the Commission;

5. Urges the Secretary-General to provide the Commission with all assistance necessary to facilitate its work;

6. Calls on all parties in Somalia fully to cooperate with the Commission;

7. Requests the Commission to report its findings through the Secretary-General to the Security Council as soon as possible, taking into consideration the need for a thorough inquiry;

8. Requests that the Secretary-General, under his authority in resolutions 814 (1993) and 837 (1993), pending completion of the report of the Commission, suspend arrest actions against those individuals who might be implicated but are not currently detained pursuant to resolution 837 (1993), and make appropriate provision to deal with the situation of those already detained under the provisions of resolution 837 (1993);

9. Decides to remain seized of this matter.

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